IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.577/2006

Kailash Chand S/o Shri Balchand
...defendant-appellant
Versus
Bhagwan S/o Shri Rameshwar & Others
...plaintiff-respondents
AND
Prahlad Rai S/o Shri Kalyan Bux & Others
...defendant-respondents

Date of Order ::: 27.11.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Arun Bhandari, Counsel for appellant
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By the Court:-

Heard learned counsel for the appellant.

The plaintiff-respondents filed a suit for partition, which was decreed by the lower court. The lower court has passed a preliminary decree in favour of the plaintiff. The first appellate court has affirmed the finding of the lower court.

I have heard the learned counsel for the appellant and after considering his submissions in the light of the findings of both the courts below, particularly the finding in respect of issue no.1, I find that the controversial issues involved in the

present case relate to the questions of fact and there is concurrent finding of facts by both the courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//